

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SAMI ALBRA,

Plaintiff

V.

SELENE FINANCE, et al.,

Defendants

Case No.: 2:18-cv-00018-APG-PAL

**Order (1) Denying Motion for Entry of
Clerk's Default and (2) Dismissing Case
Against Defendant SEC**

[ECF No. 81]

Plaintiff Sami Albra moves for entry of default against defendant Securities and Exchange Commission (SEC). ECF No. 81. However, Albra has not properly served the SEC. Federal Rule of Civil Procedure 4(i) governs service on agencies like the SEC. It is unclear whether Albra served the local United States Attorney's Office by registered or certified mail. Fed. R. Civ. P. 4(i)(1)(A). Although Albra sent copies of documents to the Solicitor General, he did not serve the Attorney General of the United States by registered or certified mail. Fed. R. Civ. P. 4(i)(1)(B). And Albra did not send copies of the summons and complaint to the SEC by registered or certified mail. Fed. R. Civ. P. 4(i)(2). Thus, Albra has not properly served process upon the SEC, so entry of default is not justified.

Albra filed his amended complaint on January 29, 2018. Under Federal Rule of Civil Procedure 4(m), he was required to serve the complaint within 90 days. Albra did not begin to attempt service on the SEC until September 22, 2018, well after expiration of the Rule 4(m) deadline. ECF NO. 63. On September 18, 2018, Albra was advised by the court that his claims against the SEC would be dismissed without prejudice unless on or before October 18, 2018 he filed proper proof of service or showed good cause why such service was not timely made. ECF

1 No. 61. Albra did not timely serve the SEC and he has not shown good cause why service was not
2 made. Nor has Albra offered good reason why this action should not be dismissed without
3 prejudice as to the SEC under Federal Rule of Civil Procedure 4(m).

4 IT IS THEREFORE ORDERED that this case is DISMISSED without prejudice as to
5 defendant Securities and Exchange Commission. Because the SEC was the only remaining
6 defendant, the clerk of the court shall close this file.

7 Dated this 18th day of December, 2018.



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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE